

# **RECONSIDERATIONS**



City of Detroit

COUNCILMAN SCOTT R. BENSON

CITY CLERK 2019 JUL 17 AM 8:54

## MEMORANDUM

**TO:** City Clerk's Office

**FROM:** Hon. Scott Benson, City Council District 3 

**CC:** Stephanie Washington, Mayor's Office  
Council President Pro-Tem Mary Sheffield  
Council Member Janee Ayers  
Council Member James Tate  
Council Member Andre Spivey  
Council Member Gabe Leland  
Council Member Raquel Castaneda-Lopez  
Council Member Roy McCalister Jr.

**VIA:** Hon. Brenda Jones, City Council President

**DATE:** 16 July 2019

**RE:** MOTION TO RECONSIDER

Please be advised that I move to reconsider the vote for line item #12. on today's New Business Agenda,

*Benson, reso. autho. Department of Public Works/City Engineering Division in conjunction with The General Services Department (Petition #1773), requests the permanent closure of Woodward Avenue, from Jefferson Avenue to Larned Street, for the purpose of continuing the activation of the Spirit Plaza programming. (DPW is now requesting, on behalf of the General Services Department, City Council to vacate as a public right-of-way and convert into a private easement for public utilities of the full width of the above references segment of Woodward to facilitate the established, ongoing and future programming.) (REPORTED OUT OF THE PUBLIC HEALTH AND SAFETY STANDING COMMITTEE ON 7-15-19 WITHOUT RECOMMENDATION)*

I propose that the question shall come before the committee again for consideration on 23 July 2019.

SRB



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

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July 1, 2019

Honorable City Council:

**Re: Spirit Plaza; Petition No. 1773 The Department of Public Works – City Engineering Division, in conjunction with The General Services Department requests the permanent closure of Woodward Avenue, from Jefferson Avenue to Larned Street, for the purpose of continuing the activation of the Spirit Plaza programming.**

On June 12, 2017, the City of Detroit closed the referenced segment of Woodward to activate the Spirit Plaza for an initial pilot period of 90 days.

On November 21, 2017, City Council originally approved Petition No. 1773, which provided for extending the temporary closure of the above referenced segment of Woodward through the spring of 2018, so that the evaluation period could continue through the fall and winter seasons.

In October of 2018, DPW requested City Council approval to extend the temporary closure for a period to culminate on November 15, 2019, upon which time a recommendation was to be brought back to City Council for the Plaza's optional additional year extension.

DPW is now requesting, on behalf of the General Services Department, City Council to vacate as a public right-of-way and convert into a private easement for public utilities of the full width of the above referenced segment of Woodward to facilitate the established, ongoing and future programming.

This vacation to easement, if authorized by Your Honorable Body, establishes GSD as the agency, who is responsible for ensuring that the Plaza is appropriately maintained. In addition, this vacation will allow for coordinating all outreach efforts to impacted stakeholders, as well as providing the mechanism for continued planning for events and space programming. GSD/City of Detroit's Recreation Department and Special Events team will continue to operate with the established agreement outlining specific responsibilities for each agency, thereby ensuring that the Plaza is being programmed in a manner that maximizes its usage and is consistent with the vision of it being the "People's Plaza". We will continue to provide the opportunity to employ a more expansive outreach effort to individuals that encounter the space on a daily basis, including all employees and regular visitors to the CAYMC. The vacation to easement will also provide the opportunity to install semi-permanent structures to enhance the quality of programming and the overall experience in the public space.

ENTERED JUL 15 2019 - MTNB without recommendation for approval JA & J

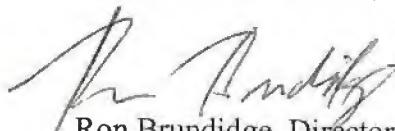


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Provisions protecting all utility installations in the right-of-way have been made a part of the attached resolution.

I am recommending the adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Brundidge".

Ron Brundidge, Director  
Department of Public Works

/JK/KM

Cc: Brad Dick, Mayor's Office

Stephanie Washington, Mayor's Office

Jan Anderson, General Services Department

Richard Doherty, P.E., City Engineer

BY COUNCIL MEMBER

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**WHEREAS**, the original trial period for the new “Spirit of Detroit Plaza” enhanced the downtown area with a new public space during the summers of 2017 and 2018, and the initial evaluation determined that the closure of the impacted segment of Woodward Avenue, has not been detrimental to traffic flow in the area, and the plaza has been deemed a destination for civic activity and arts and culture, and

**WHEREAS**, the temporary extension was granted through November 15, 2019 with prior City Council actions and whereas a determination has been made to vacate to easement “Spirit Plaza” for the programming of events that include local artists, community groups and local organizations; Therefore be it

**RESOLVED**, that Woodward Avenue, 190 feet wide, from Jefferson Avenue, 210 feet wide to Larned Street, 60 feet wide, and being more particularly described as: Woodward Avenue, 190 feet wide, lying westerly of and adjoining the westerly line of Lots 1, 63, and 64 “Plan of Section numbered one in the City of Detroit, in the Territory of Michigan confirmed by the Governor and Judges on the 27<sup>th</sup> day of April, 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board. Attest: Peter Audrain, Sec'y.” as recorded in Liber 34, Page 550 of Deeds, Wayne County Records; also lying easterly of and adjoining the easterly line of the west 30 feet of Lot 2 and the west 30 feet of Lots 63 and the west 30 feet of Lot 64 and the vacated alley adjoining said parts of Lots 2 and 64 “Plat of Section numbered two in the City of Detroit in the Territory of Michigan confirmed unanimously by the Governor and Judges on the 27<sup>th</sup> day of April, 1807 and ordered to be a record and to be signed by the Governor and attested by the Secretary of the Board. Attest: Peter Audrain, Sec'y.” as recorded in Liber 34, Page 549 of Deeds, Wayne County Records.

Be and the same is hereby vacated as a public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said right-of-way and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public right-of-way in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting,

installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fences or gates), shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division – DPW,

Fourth, that if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement; such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and

Provided, that the property owners maintain for DTE Energy, full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities is reserved for DTE equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of DTE facilities, and further

Provided, that an easement, the full width of the existing rights-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

Provided, that if it becomes necessary to remove the paved street returns at the entrances (into Larned Street, and/or Jefferson Avenue) such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

Provided, that the City of Detroit retains all ownership rights for the vacated and converted to easement part Woodward Avenue as it was platted in the “Governor and Judges” and further

Provided, that General Services Department/City of Detroit’s Recreation Department and Special Events team will continue to operate and appropriately maintain the Plaza in accordance with the established agreement outlining specific responsibilities for each agency, thereby ensuring that the Plaza is being programmed in a manner that maximizes its usage and is consistent with the vision of it being the “People’s Plaza”, and further

Provided, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.